1 U-1760 (8)

IN THE HIGH OURT OF CHHATTISGARH JUDICATURE AT BILASPUR

Second Appeal No. 218 /2005

SINGLE BENCH

Appelant/Defendant : Kalanath Kurre, S/o Babudas Kurre, Caste Satnami, R/o Village Eramshahi Tahsil Seepat, District Bilaspur (C.G.)

Vs.

Respondent/Plantiff :

1. Lakhan Lal Patel S/o Kartikram Patel Caste Patel, R/o Village Eramshahi, Tahsil Seepat, District-Bilaspur (C.G.)
2. State of Chhattisgarh Through Collector Bilaspur (C.G.)

P.R. No. 1866/05
Presented by Shri B.P.N. Pandey
dated 15.04.05

CERTIFIED COPY
15.4.05
C.A.R. to A. G. BILASPUR

Claim in appeal valued as Rs.16,340/-

Court fee Affixed Rs. 1760/- as in lower appeallate Court.

Second Appeal U/S 100 C.P.C.

(27)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... S.A. No. 218 / **सन्** **2005**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	20.06.2005 Shri Atul Pandey, counsel for the appellant. None for respondent No.1 Shri JD Bajpai, Government Advocate for respondent No.2/State. Heard on admission and on M.(C.)P.No.669/2005 for grant of stay. A civil suit bearing No.202-A/2002 was filed by respondent No.1 / plaintiff Lakhanlal Patel against the appellant / defendant for specific performance of contract and permanent injunction on 18.12.2000 stating that the appellant on 28.04.1996 agreed to sell the land bearing Khasra No.432/1 area 0.47 decimal, situated at village Eramsahi, RI Circle Seepat for a consideration of Rs.16,040/- and in presence of witnesses after receiving the said consideration, he executed the agreement and gave possession thereof to respondent / plaintiff. Despite legal notice dated 26.06.2000, appellant failed to execute the registered sale deed. Appellant / defendant, denied the suit averment and pleaded that he took a loan of Rs.5000/- on the condition that respondent / plaintiff will cultivate the suit land for four years and thereafter will return the land to the appellant / defendant. Appellant / defendant admits his signature on stamp paper, and alleges that respondent / plaintiff has fraudulently prepared the said deed. Learned trial Court, after due appreciation of the evidence on record, held that appellant, on 28/04/1996 receiving consideration of Rs.16,040/-, executed an agreement to sell the suit land and he is entitled for a decree	

(26)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

of specific performance of the contract. In 1st appeal, Additional District Judge, Bilaspur, vide judgment and decree dated 08.12.2004 passed in Civil suit No.19 A/2003 after elaborate discussion of material and evidence on record, fortified the findings of the Court below, and dismissed the appeal with some modification.

Learned counsel for the appellant argued the matter at length, but failed to satisfy that any substantial question of law is involved in the second appeal.

From perusal of the record of Lower Court, material and evidence reasoning assigned by both the Courts below to decide the issues, I am of the opinion that no substantial question of law involves in this second appeal, therefore, the second appeal filed by the appellant / defendant deserves to be dismissed and is accordingly dismissed.

Accordingly, M.(C.)P.No.669/2005 and IA No.1204//2005 stand disposed of.

Sd/-
V.K.Shrivastava
Judge

padma

(पीछे देखिये)